

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6901**

**BILL NUMBER:** HB 1320

**DATE PREPARED:** Jan 4, 2002

**BILL AMENDED:**

**SUBJECT:** Death Penalty Moratorium.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill has the following provisions:

(A) It places a moratorium upon executions for murder until April 1, 2004.

(B) It establishes an eight-member Murder Sentencing Study Committee to review and analyze all trials that involved murders committed in Indiana after July 1, 1976, and before July 1, 2002.

(C) It specifies that the review and analysis must examine: (1) the facts, including mitigating and aggravating circumstances; (2) the race, gender, religious preference, and economic status of the defendant and murder victim; (3) the result of the judicial proceeding; and (4) the sentence imposed on the defendant.

(D) It allows the Committee to make legislative recommendations based on the review and analysis, if appropriate.

(E) It requires the Committee to issue a final report to the Legislative Council before November 1, 2003.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** The Department of Correction (DOC) reports that 37 offenders are currently on Death Row in Indiana at various stages of federal and state review. The Indiana State Supreme Court reports that these offenders are at the following stages of appeal.

Stage	Number of Offenders
Federal Appeal	24
Post Conviction Relief	8
Direct Appeal	5

Some of the offenders who are in federal appeal could be executed before April 1, 2004. Consequently, this portion of the bill would potentially delay their execution date and extend their time of incarceration on death

row. Since the offenders are housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Members of the Committee are entitled to receive the same per diem, mileage, and travel allowances paid to members of the General Assembly serving on legislative study committees established by the Legislative Council. The current per diem is \$112, and the current travel reimbursement is \$0.345 per mile. Under current Legislative Council Resolution, interim study committees are allocated \$9,000 per interim for committees with fewer than 16 members. The Committee will exist for two interims. The Legislative Services Agency would staff the Committee.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Legislative Services Agency; Indiana Supreme Court; Department of Correction.

**Local Agencies Affected:** Trial courts.

**Information Sources:** Indiana Supreme Court.